



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/688,544

10/17/2003

Neil P. Adams

555255012606

1135

7590
John V. Biernacki, Esq.
JONES DAY
North Point
901 Lakeside Ave.
Cleveland, OH 44114

04/28/2008

EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,544	Applicant(s) ADAMS ET AL.	
	Examiner Viet Vu	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-11 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,13-16 and 19-32 is/are rejected.
- 7) ☒ Claim(s) 8-11,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/08</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

Art Rejections:

1. The text of 35 U.S.C. 103(a) cited in the previous office action is hereby incorporated by reference.

2. Claims 1-2, 5, 7, 13-16 and 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, U.S. pat. No. 6,442,600.

Per claims 1-2, 5, 15 and 19, Anderson discloses a method of processing outgoing messages comprising:

a) determining a recipient of an outgoing message (see col 5, lines 46-58);

b) retrieving a message setting based upon the determined recipient wherein the message setting is a security setting by providing an indication for encryption (see col 5, lines 58-67).

Anderson does not explicitly teach performing the message processing method on a mobile device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize any conventional computing devices including a mobile device to send/deliver messages.

Art Unit: 2154

Per claim 7, Anderson also teaches enabling the sender to set/display the message setting on the outgoing message compose screen (see col 5, lines 19-26).

Per claim 13-14, Anderson teaches storing message settings in memory storage (see col 5, lines 10-18).

Per claim 16, Anderson teaches applying/resolving message settings for each message (see col 8, lines 23-33).

Claims 20-22 and 26-32 are similar in scope as that of claims 1-2, 5, 7, 13-16 and 19.

Per claims 23-25, Anderson does not explicitly teach using a touch sensitive screen or auditory entry device. An official notice is taken that such use of touch sensitive screen and auditory entry device is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any known input/output devices including touch sensitive and/or auditory entry device in Anderson because it would have enabled practicing Anderson's invention.

Allowable Subject Matter:

3. Claims 8-11 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten

Art Unit: 2154

in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 33 is allowed over prior art of record.

Conclusion:

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Viet Vu/

Primary Examiner, Art Unit 2154

4/25/08